

REMARKS

Claims 1-14, 17-30, and 33-46 are in the application. Claims 1, 17, and 33 are currently amended, claims 15, 16, 31, 32, 47, and 48 are cancelled, and claims 2-14, 18-30, and 33-45 remain unchanged from the original versions thereof. Claims 1, 17, and 33 are the independent claims herein.

No new matter is added to the application as a result of the amendments submitted herewith.

Reconsideration and further examination are respectfully requested.

Claim rejections – 35 USC § 101

Claims 1-16 were rejected under 35 USC 101 for allegedly being directed to non-statutory subject matter.

Claims 15 and 16 are canceled, as indicated above.

In an effort to advance prosecution, Applicant has amended independent claim 1 to state, in the body thereof, “automatically submitting, using a processor” to clarify that which Applicant is claiming as the invention. Therefore, it should be clear that the claimed subject matter is in fact within the patentable arts, as pertaining to 35 USC 101.

Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 1 under 35 USC 101. Claims 2-14 depend from claim 1. Accordingly, Applicant respectfully submits that claims 1-14 are directed to patentable subject matter under 35 USC 101, and requests the reconsideration and withdrawal of the rejection of same under 35 USC 101.

Claim Rejections – 35 USC § 102(e)

Claims 1-9, 13-16, 17-25, 29-32, 33-41, and 45-48 were rejected as being anticipated by Preist. This rejection is respectfully traversed.

Independent claims 1, 17, and 33 are currently amended to relate to a method, apparatus, and medium, respectively, to obtain an auction item. For example, claim 1 states, in part, providing an indication of two or more different desired items, only one of which is to be obtained, identifying a plurality of auctions in which the two or more different desired items are being auctioned, and automatically submitting, using a processor, one or more bids to a plurality of the plurality of auctions in order to obtain one of the two desired items. That is, an indication of two or more different desired items is provided and only one of the two or more different items are obtained. Support for the current claim amendments may be found in the original specification at least at page 19, lines 6-12. Claims 17 and 33 are worded similar to claim 1.

Regarding the cited and relied upon Preist, there does not appear to be any disclosure or suggestion of the claimed providing an indication of two or more different desired items, only one of which is to be obtained, identifying a plurality of auctions in which the two or more different desired items are being auctioned, and automatically submitting, using a processor, one or more bids to a plurality of the plurality of auctions in order to obtain one of the two desired items. In particular, the claimed indication of two or more different items is not disclosed or suggested by Preist.

While Preist does appear to disclose a variety of auction scenarios, including auctions involving multiple lots, single lots, single auctions, and multiple auctions as stated on page 5 of the Office Action, Preist does not disclose or suggest an auction wherein an indication of two or more different desired items

are indicated and bid on but only one of the two or more different desired items are obtained.

Accordingly, Applicant respectfully submits that claims 1, 17, and 33 are patentable over the cited and relied upon Preist under 35 USC 102(e), for at least the reasons stated hereinabove.

Claims 2-9, 13, and 14 depend from claim 1; claims 18-25, 29, and 30 depend from claim 17; and claims 34-41, 45, and 46 depend from claim 33. Applicant respectfully submits that claims 2-9, 13, 14, 18-25, 29, 30, 34-41, 45, and 46 are patentable over the cited and relied upon Preist under 35 USC 102(e) for at least the same reasons stated above regarding claims 1, 17, and 33.

Claim Rejections – 35 USC § 103(a)

Claims 10-12, 26-28, and 42-44 were rejected as being unpatentable over Preist or Preist and Rackson et al. (hereinafter, Rackson) under 35 USC 103 (a). This rejection is respectfully traversed.

Claims 10-12 depend from claim 1, claims 26-28 depend from claim 17, and claims 42-44 depend from claim 33. Applicant respectfully submits that the cited and relied upon Preist does not disclose or suggest all of the claimed aspects of the independent base claims 1, 17, and 33, as discussed in detail hereinabove. For at least the reasons discussed above, Applicant respectfully submits that the alleged "Official Notice" and Rackson disclosure, even if combined with Preist (not admitted as feasible by Applicant), would not render the claims 10-12, 26-28, and 42-44 obvious.

Accordingly, Applicant respectfully submits that claims 10-12, 26-28, and 42-44 are patentable over the cited and relied upon Preist, Official Notice, and Rackson under 35 USC 103(a).

CONCLUSION

Accordingly, Applicant respectfully requests allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

December 13, 2005
Date



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